

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JAMES D. JOHNSON, et al.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:04cv251LN**

**HALEY BARBOUR, et al.**

**DEFENDANTS**

**DEFENDANTS' REPLY TO PLAINTIFFS' RESPONSE TO MOTION TO EXTEND  
DEADLINE FOR FILING MOTIONS**

COME NOW, Haley Barbour, et al., the Defendants, by and through counsel, and file this Reply to the Plaintiffs' Response to the Defendants' Motion requesting that the deadline for filing Motions as set forth in the revised Case Management Order, be amended, stating as follows:

The Plaintiffs and Defendants agree that an extension of the dispositive motion deadline is warranted. The Defendants requested that the dispositive motion deadline be extended to June 15, 2006. The Plaintiffs propose that the dispositive motion deadline be extended to May 10, 2006.

The complexity and significance of the constitutional and legal issues presented by this litigation have been recognized by the Court, as well as the parties. For there to be proper consideration and resolution of this matter, there must be sufficient time to adequately brief the issues. Two weeks after the conclusion of discovery is not sufficient. This is especially true in light of the agreement by the parties and the Court last week to continue the Settlement Conference for three days (April 24, 25, and 26, 2006). Those three days fall between the conclusion of the discovery deadline and the current dispositive Motion deadline. It will be necessary that undersigned counsel participate in those discussions.

To comply with the discovery deadline of April 17, 2006, it has been necessary that the parties agree to conduct multiple depositions on two separate days. Depositions of expert witnesses is scheduled to be completed on April 13, 2006, which is the Thursday prior to Easter weekend and the following Monday which is the discovery deadline.

The Defendants recognize that it is not customary for the Court to extend the Motion deadline. However, two weeks subsequent to the discovery deadline is not sufficient time to complete the review of thousands of pages of discovery, review expert deposition transcripts, and properly brief the issues of this unique case.

This motion is filed in a good faith attempt to allow the Defendants adequate time to brief the dispositive Motions so that their rights are protected and the Court has the necessary information before it to make an informed decision.

Should the Court not agree with the Defendants' initial request to extend the Motion deadline to June 15, 2006, it is alternatively and respectfully requested that the dispositive motion deadline be extended to June 1, 2006, with responses due from the Plaintiffs on June 20, 2006, and any reply due June 30, 2006.

Due to the self explanatory nature of this Reply, the Defendants respectfully request that they be relieved from filing a supporting memorandum of authorities.

**WHEREFORE, PREMISES CONSIDERED**, Haley Barbour, et al. respectfully request that this Court amend the Case Management Order extending the deadline for filing Motions, other than Motions *in limine*.

**THIS**, the 20th day of March, 2006.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of  
Mississippi; DONALD TAYLOR, as Executive Director**

**of the Department of Human Services; and  
RICKIE FELDER as Director of the Division of  
Family and Children's Services**

BY: /s/ Dewitt L. ("Rusty") Fortenberry, Jr.

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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**SO CERTIFIED**, this the 20th day of March, 2006.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.